

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Wilhelmina Cromwell Hamilton,)	Civil Action No. 5:16-cv-03471-RBH-KDW
)	
Plaintiff,)	
)	
vs.)	REPORT AND RECOMMENDATION
)	
Nancy A. Berryhill, ¹ Acting Commissioner)	
of Social Security Administration,)	
)	
Defendant.)	
)	

On October 24, 2016, Plaintiff, appearing pro se, filed this action appealing the denial of social security benefits. ECF No. 1. Because this case was not in proper form, Plaintiff was directed to complete a court-approved complaint form and submit the required service documents by December 1, 2016. ECF No. 8. When Plaintiff did not respond to the initial Order by the deadline for her compliance, a second Order was issued on December 12, 2016, under which Plaintiff was directed to submit the items needed to bring the case into proper form by January 6, 2017. ECF No. 14. Plaintiff complied with the second proper-form Order and the Complaint was served on Defendant on January 20, 2017. ECF No. 21. The Order directing service contained in-depth instructions to Plaintiff regarding her responsibility to file a brief in support of her Complaint. *Id.* Defendant submitted an Answer on June 1, 2017, making Plaintiff's brief due on July 3, 2017. ECF No. 28. Plaintiff did not file her brief by the due date,

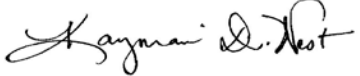
¹ Nancy A. Berryhill became the Acting Commissioner of Social Security on January 23, 2017. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, the court substitutes Nancy A. Berryhill for Carolyn W. Colvin as Defendant in this action.

and the court issued an Order extending her time for compliance until July 26, 2017. In that Order the court expressly warned Plaintiff that failure to comply with that Order by the deadline would result in a recommendation for dismissal with prejudice for failure to prosecute. ECF No. 33; *see Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b). The time for Plaintiff's compliance has now passed without any communication from Plaintiff.

Based on the foregoing, it appears that Plaintiff no longer wishes to pursue this action at this time. Accordingly, it is recommended that this action be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b).

IT IS SO RECOMMENDED.

August 8, 2017
Florence, South Carolina


Kaymani D. West
United States Magistrate Judge

**The parties are directed to note the important information in the attached
“Notice of Right to File Objections to Report and Recommendation.”**